



City of Somerville

PLANNING BOARD

City Hall 3rd Floor, 93 Highland Avenue, Somerville MA 02143

4 MARCH 2021 MEETING MINUTES

This meeting was conducted via remote participation on GoToWebinar.

NAME	TITLE	STATUS	ARRIVED
Michael Capuano	Chair	<i>Present</i>	
Sam Dinning	Clerk	<i>Present</i>	
Rob Buchanan	Member	<i>Present</i>	
Amelia Aboff	Vice Chair	<i>Present</i>	
Jahan Habib	Member	<i>Present</i>	

City staff present: Sarah Lewis (Director of Planning & Zoning); Charlotte Leis (Planning & Zoning)

The meeting was called to order at 6:06pm and adjourned at 7:00pm.

PUBLIC HEARING: 152-158 Broadway

Chair Capuano noted that public comment was closed at the previous meeting; tonight the Board would conduct their discussion.

Rich DiGirolamo reported that the team had addressed the Board's questions from the last meeting and had submitted additional information. Michael LeBlanc presented drawings to address the Board's concerns regarding the design of the side walls. The Board agreed that the revised design of the side walls adequately addressed their concerns considering that it is a party wall which may be obscured by future construction.

Member Buchanan asked about the treatment of the rear of the building. Mr. LeBlanc reported that the cladding for the sidewalls would set up the architectural language for the rear wall; the design will provide for shading over the windows at the rear, as they are very mindful of solar gain and energy requirements. The applicant will have landscaping on the roof deck to reduce stormwater.

Vice Chair Aboff asked about the procedure for material review and who that review rests with. Director Lewis said it is within the Board's purview to require review of materials by P&Z or ISD staff. Mr. LeBlanc said the UDC requested material mock-ups and they plan to provide those as requested. Chair Capuano agreed that a materials review should be conditioned.

Member Buchanan asked about the retail space's connectivity to the trash and recycling room. Mr. LeBlanc said the strategy might be use dependent; if something like shared office space, could likely accommodate them in residential trash room (access would be over the sidewalk); for a proposed restaurant use, trash would need to be accommodated within the commercial space.

Member Buchanan asked whether location of trash is regulated by zoning. Director Lewis noted that if the Board wished to condition their concerns regarding trash that would be reasonable; would draw ISD's attention to that concern.

Chair Capuano said his concerns regarding the design of the rear walls had been addressed. His position regarding the parking relief special permit had softened, as the parcel is directly adjacent to the Transit Area and the Board's decisions do not set precedent for future decisions. With the condition that residents cannot receive Residential Parking Passes, he reported that he would be able to support the parking relief Special Permit.

Member Habib noted that he appreciated the Chair's comments regarding precedent and that he was also in support of the Special Permit for parking relief.

Chair Capuano asked to verify that his statement regarding precedent is within MGL 40A. Director Lewis offered to review the statute while the Board continued discussions but was unable to find the specific relevant language. Chair Capuano suggested that the Board continue the case until they can receive a legal opinion from the City Solicitor that the Board's decisions do not set precedent for subsequent applicants.

Following a motion by Chair Capuano seconded by Clerk Dinning, the Board voted unanimously (5-0) to continue discussion to March 18, 2021.

RESULT:

CONTINUED to 03/18/2021

OTHER BUSINESS: Discussion of Zoning Amendments

Chair Capuano asked if this item would be discussed tonight. Director Lewis said the comment period had been left open so the Board could receive additional public comments.

OTHER BUSINESS: Possible Utilization of MGL Ch. 44 §53G

Director Lewis noted that the Planning & Zoning Division has been understaffed for some time and with the new Zoning Ordinance, there has been an uptick in workload, as the pace of development in Somerville has not slowed down.

A developer approached OSPCD and asked whether there was a way for developers to fund additional staff for specific projects. Director Lewis noted that the Board would need to be specific in the scope of work they are authorizing a third party to perform review for and that developers would provide funding, but the consultant would be selected by and report to the City, not to the developer. Director Lewis confirmed that Staff would seek to avoid direct interaction between the developer and the City's consultant.

Member Buchanan asked whether the funding provided by the developer could be used for other projects or only for that particular project. Director Lewis said they would do more research, but the assumption is that funding is restricted to only the project proposed by the developer. Administration of funding would be up to the OSPCD Finance team.

Vice Chair Aboff asked whether the same decision would be made for all projects or whether the decision to use that funding method is determined on a case or case basis. She also asked about details of the selection process, including who would be involved in selection, what the selection criteria would be, and other related concerns.

Director Lewis said the City has a range of on-call consultants that have been pre-vetted for certain tasks and that Staff would want to make sure the Board is comfortable with the consultant recommendations. The law requires that the Board be provided with a scope and the estimate for the work, which will be used to estimate the deposit to be required for the work to begin, and that any unspent funds are to be returned to the developer once work is concluded.

Member Buchanan reported that he would be happy to utilize any funding we can to facilitate review, but wanted to make sure that there was no perception or potential for a conflict of interest of the work that is funded. He stressed that he felt it would be necessary to go above and beyond regarding public information on how this process works, as no one wanted to risk undermining people's faith in the process and the Board.

Vice Chair Aboff asked if it would be the same process that was used to fund the peer review of one of the recent underground parking projects. Director Lewis confirmed that it would be similar, noting that the ZBA recently authorized an economic peer review for a project claiming financial hardship.

Chair Capuano understood that the statute expressly provides for privately funded consultant that provides services to the Board, not to a developer. He addressed questions regarding the process of how the consultant would be selected, noting that if the answers provided by Director Lewis are satisfactory, he would like to utilize whatever resources we can to have the process run smoothly. He called for a report from Staff in the near future regarding logistics.

Director Lewis noted that she appreciated the concern around optics and making sure transparency is maintained. She indicated that she felt it prudent to bring the question to the Board for initial discussion to gauge receptivity prior to conducting research and establishing procedures and standards.

Member Buchanan noted that he understood the Union Square Neighborhood Plan to have been funded through a similar mechanism, and reported his recollection that the funding mechanism had led to some mistrust and skepticism on the part of the community. He noted that a regular means to engage a consultant for specific projects on a more consistent basis would be preferable to a single-purpose proposal that the community might not fully understand. He agreed that development teams should, in theory, fund some of the cost of review, as it constituted a significant amount of work for staff.

Director Lewis, regarding Vice Chair Aboff's questions, noted that the Union Square parking feasibility study had been funded out of the Planning & Zoning budget rather than being paid for by the developer.

Chair Capuano noted that he believed the provision had been intended to relieve work pressures on smaller or understaffed planning departments elsewhere in the Commonwealth, but that if developer funds could be utilized for review services rather than expending City funds, the process might be worthwhile.

RESULT:

CONTINUED

NOTICE: These minutes constitute a summary of the votes and key discussions at this meeting. To review a full recording, please contact the Planning & Zoning Division at planning@somervillema.gov.